

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY) MDL No. 02419
LITIGATION) Docket No. 1:13-md-2419-RWZ
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)

This document relates to:)
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Handy v. Box Hill Surgery Center, LLC, et al.)
No. 1:14-cv-14019-RWZ)
)

Armetta v. Box Hill Surgery Center, LLC, et al.)
No. 1:14-cv-14022-RWZ)
)

Torbeck v. Box Hill Surgery Center, LLC, et al.)
No. 1:14-cv-14023-RWZ)
)

Kashi v. Box Hill Surgery Center, LLC, et al.)
No. 1:14-cv-14026-RWZ)
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Bowman v. Box Hill Surgery Center, LLC, et al.)
No. 1:14-cv-14028-RWZ)
)

Dreisch v. Box Hill Surgery Center, LLC, et al.)
No. 1:14-cv-14029-RWZ)
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Davis v. Box Hill Surgery Center, LLC, et al.)
No. 1:14-cv-14033-RWZ)
)

Farthing v. Box Hill Surgery Center, LLC, et al.)
No. 1:14-cv-14036-RWZ)

MDL Order No. _____
ORDER REGARDING COMMON ISSUE DISCOVERY

May _____, 2015

This Amended Order Regarding Common Issue Discovery is intended to amend and supplement the Court's previous MDL Order Nos. 9 and 9B ("Order NO. 9") and to provide a reasonable timetable for discovery on Common Issues as it relates to those defendants who currently have cases pending in the MDL and are not subject to a proposed settlement pending in the bankruptcy court. This Order is entered in response to the parties' various motions regarding a discovery schedule, and after careful consideration of the arguments made by all parties.

This Order amends Order No. 9 by extending the deadline for Common Issue discovery as to Box Hill Surgery Center, LLC, Ritu T. Bhambhani, M.D. and Ritu T. Bhambhani, M.D., L.L.C ("Box Hill Defendants"). Given the submissions by the PSC and the Box Hill Defendants and the current status of discovery concerning cases involving Box Hill Defendants, the Court believes an extension of discovery dates originally set forth in CMO 9 is warranted. Accordingly, the Court sets the following schedule related to all pre-trial matters in claims against Box Hill Defendants pending in the MDL:

EVENT	DEADLINES
Close of Common-Issue Fact Discovery	April 1, 2016
Bellwether proposal submitted to Court	March 1, 2016
Responses to Bellwether Proposals	March 16, 2016
Close of Case Specific Bellwether Discovery	June 1, 2016
Plaintiff's Initial Expert Disclosures and reports	May 15, 2016
Defense Rebuttal expert reports	July 1, 2016
Deadline for Expert Depositions	November 1, 2016
Dispositive Motions and Daubert Motions	December 15, 2016

Oppositions to Dispositive Motions and Daubert Motions filed	January 2, 2017
Replies in Support of Dispositive Motions and Daubert Motions filed	January 15, 2017
Hearing on Dispositive Motions and Daubert Motions	February 2017
Final Pre-Trial Hearing	March 2017
Cases are Trial Ready	April 2017

So Ordered.

JENNIFER C. BOAL
UNITED STATES DISTRICT
COURT MAGISTRATE JUDGE